

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CUTTING EDGE SOLUTIONS, LLC,

Plaintiff,

v.

SUSTAINABLE LOW MAINTENANCE
GRASS, LLC, et al.,

Defendants.

Case No. [14-cv-02770-WHO](#)

**ORDER ON MOTION TO CHANGE
TIME**

Re: Dkt. No. 20

Defendant Sustainable Low Maintenance Grass, LLC (“SLMG”) moves to change the August 20, 2014, hearing date for plaintiff Cutting Edge Solution, LLC’s (“CES”) pending motion for a preliminary injunction until after SLMG’s pending motion to stay is heard. SLMG also wants to postpone the current deadlines for filing its answer or response to the Complaint and its opposition to the preliminary injunction motion.

In response to the Court’s Order to respond to the motion to change time, CES filed a combined opposition to SLMG’s motions to change time and to stay. CES argues that the motion to stay should be denied because SLMG did not have standing to sue in Massachusetts and the Massachusetts suit was anticipatory and forum shopping, and that it will be irreparably harmed by postponing the hearing date on its preliminary injunction motion. Dkt. No. 24.

After considering the parties’ arguments, I conclude that judicial economy is best served by hearing SLMG’s motion for a stay before hearing the preliminary injunction motion. Moreover, a delay of a few weeks on CES’s motion for a preliminary injunction is unlikely to result in irreparable harm to CES given that: (i) SMLG’s products at issue, whose names and marketing CES contends violate CES’s trademark, have been on the market for well over a year; (ii) CES was on notice of, and started investigating, SLMG’s use of the mark in January 2013; (iii)

CES did not serve a cease-and-desist letter until March 2014; (iv) CES did not file this action until June 16, 2014; and (v) CES did not move for a preliminary injunction until July 2, 2014.

Given the foregoing, I ORDER as follows:

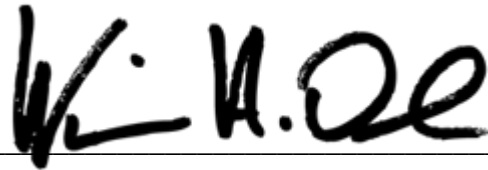
The hearing on the Motion to Stay will be held on August 20, 2014. CES has already filed its opposition to that motion. SLMG's reply is due July 29, 2014.

The hearing on the Motion for Preliminary Injunction will be held on September 17, 2014. SLMG's opposition is due August 27, 2014. CES's reply is due September 3, 2014.

SLMG's answer or other response to the Complaint is due September 10, 2014.

IT IS SO ORDERED.

Dated: July 25, 2014



WILLIAM H. ORRICK
United States District Judge